

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1816

Introduced by Senator Vincent

February 20, 2004

An act to amend Section 49069.5 of the Education Code, relating to ~~pupil records~~ *school employees*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1816, as amended, Vincent. ~~Pupil records: foster care pupils~~
School employees: termination.

Existing law permits a school district or county superintendent of schools to reduce its number of employees, subject to certain requirements, whenever enrollment drops below certain levels, and requires a school district or county superintendent of schools to give notice to the employee before the 15th of May that his or her services will be terminated at the close of the current school year.

This bill would authorize a county superintendent of schools in a county that meets certain populations requirements, for the purpose of making reductions during the 2004-05 school year in the number of county employees because of a reduction in services or elimination of a juvenile camp program, to retain the county employees until the effective date of the closure or reduction in services of that juvenile camp program.

~~Existing law provides that the timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency. Existing law requires the county placing agency, as soon as it becomes aware of the need to transfer a pupil in foster care between schools, to contact the appropriate person at the pupil's local educational agency regarding the transfer, and~~

~~requires the local educational agency, upon receiving the transfer request, to, within 2 business days, transfer the pupil and deliver the pupil's educational information and records to the next educational placement.~~

~~This bill would instead require the local educational agency to transfer the pupil and deliver the pupil's records to the next educational placement within 5 business days or in a timely manner.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 49069.5 of the Education Code is~~

2 ~~SECTION 1. For purposes of making reductions pursuant to~~
3 ~~Section 44955 of the Education Code in the number of employees~~
4 ~~during the 2004–05 school year because of a reduction in services~~
5 ~~or elimination of a juvenile camp program, a county~~
6 ~~superintendent of schools in a county of the first class may retain~~
7 ~~those employees until the effective date of the closure or reduction~~
8 ~~in services of that juvenile camp program.~~

9 ~~amended to read:~~

10 ~~49069.5. (a) The Legislature finds and declares that the~~
11 ~~mobility of pupils in foster care often disrupts their educational~~
12 ~~experience. The Legislature also finds that efficient transfer~~
13 ~~procedures and transfer of pupil records is a critical factor in the~~
14 ~~swift placement of foster children in educational settings.~~

15 ~~(b) The proper and timely transfer between schools of pupils in~~
16 ~~foster care is the responsibility of both the local educational~~
17 ~~agency and the county placing agency.~~

18 ~~(c) As soon as the county placing agency becomes aware of the~~
19 ~~need to transfer a pupil in foster care out of his or her current~~
20 ~~school, the county placing agency shall contact the appropriate~~
21 ~~person at the local educational agency of the pupil. The county~~
22 ~~placing agency shall notify the local educational agency of the date~~
23 ~~that the pupil will be leaving the school and request that the pupil~~
24 ~~be transferred out.~~

25 ~~(d) Upon receiving a transfer request from a county placing~~
26 ~~agency, the local educational agency shall, within five business~~
27 ~~days or in a timely manner, transfer the pupil out of school and~~

1 deliver the educational information and records of the pupil to the
2 next educational placement.

3 ~~(e) As part of the transfer process described under subdivisions~~
4 ~~(e) and (d), the local educational agency shall compile the~~
5 ~~complete educational record of the pupil including a determination~~
6 ~~of seat time, full or partial credits earned, current classes and~~
7 ~~grades, immunization and other records, and, if applicable, a copy~~
8 ~~of the pupil's plan adopted pursuant to Section 504 of the federal~~
9 ~~Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or~~
10 ~~individualized education program adopted pursuant to the federal~~
11 ~~Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400~~
12 ~~et seq.).~~

13 ~~(f) The local educational agency shall assign the duties listed in~~
14 ~~this section to a person competent to handle the transfer procedure~~
15 ~~and aware of the specific educational recordkeeping needs of~~
16 ~~homeless, foster, and other transient children who transfer~~
17 ~~between schools.~~

18 ~~(g) The local educational agency shall ensure that if the pupil~~
19 ~~in foster care is absent from school due to a decision to change the~~
20 ~~placement of a pupil made by a court or placing agency, the grades~~
21 ~~and credits of the pupil will be calculated as of the date the pupil~~
22 ~~left school, and no lowering of grades will occur as a result of the~~
23 ~~absence of the pupil under these circumstances.~~

24 ~~(h) The local educational agency shall ensure that if the pupil~~
25 ~~in foster care is absent from school due to a verified court~~
26 ~~appearance or related court ordered activity, no lowering of his or~~
27 ~~her grades will occur as a result of the absence of the pupil under~~
28 ~~these circumstances.~~